

Robert V. Prongay (SBN 270796)
Kara M. Wolke (SBN 241521)
GLANCY PRONGAY & MURRAY LLP
1925 Century Park East, Suite 2100
Los Angeles, California 90067
Telephone: (310) 201-9150
E-mail: kwolke@glancylaw.com

Jennifer Pafiti (SBN 282790)
POMERANTZ LLP
468 North Camden Drive
Beverly Hills, CA 90210
Telephone: (818) 532-6449
E-mail: jpafiti@pomlaw.com

[Additional Counsel on Signature Page]

Attorneys for Class Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SUNIL SUDUNAGUNTA,
Individually and on behalf of all
others similarly situated

Plaintiff.

v.
NANTKWEST, INC., PATRICK
SOON-SHIONG, RICHARD
GOMBERG, BARRY J. SIMON,
STEVE GORLIN, MICHAEL D.
BLASZYK, HENRY JI, RICHARD
KUSSEROW, JOHN T. POTTS, JR.,
ROBERT ROSEN, JOHN C.
THOMAS JR., MERRILL LYNCH,
PIERCE, FENNER & SMITH, INC.,
CITIGROUP GLOBAL MARKETS
INC., JEFFERIES LLC, PIPER
JAFFRAY & CO., and MLV & CO.,
LLC

Defendants.

Case No. 16-cv-01947-MWF-JEM

Consolidated with
2:16-cv-3438-MWF-JFM

CLASS ACTION

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND
PLAN OF ALLOCATION**

Date: April 29, 2019
Time: 10:00 a.m.
Before: Hon. Michael Fitzgerald
Courtroom: 5A

PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND PLAN OF ALLOCATION

1 **PLEASE TAKE NOTICE** that, on April 29, 2019, at 10:00 a.m., or as
2 soon thereafter as the matter may be heard, in Courtroom 5A of the Honorable
3 Michael W. Fitzgerald, United States District Judge for the Central District of
4 California, located at 350 West First Street, Los Angeles, California, Class
5 Plaintiffs Donald Hu and Brayton Li (“Class Plaintiffs”) will move this Court for
6 final approval of the proposed settlement (the “Settlement”) and approval of the
7 proposed plan of allocation of the proceeds of the Net Settlement Fund (the “Plan
8 of Allocation”), as set forth in the Stipulation of Settlement, dated October 31,
9 2018 (the “Stipulation”) (ECF No. 173-1) (the “Motion”).

10 This Motion is supported by the following Memorandum of Points and
11 Authorities set forth below, the accompanying Joint Declaration of Joshua B.
12 Silverman and David J. Stone in Support of (1) Motion for Final Approval of
13 Class Action Settlement and Plan of Allocation, and (2) Motion for an Award of
14 Attorneys’ Fees, Reimbursement of Litigation Expenses, and Awards for
15 Plaintiffs (the “Joint Declaration”) and the exhibits filed therewith, the pleadings
16 and other filings in this Action, and other evidence and argument that may be
17 presented prior to the Court’s decision on this Motion.

18 Pursuant to Local Rule 7-3, Class Plaintiffs conferred with Defendants
19 prior to filing this Motion. Defendants do not oppose the relief requested by this
20 Motion.

21 **STATEMENT OF ISSUES TO BE DECIDED**

22 1. Whether the parties’ negotiated Settlement, as preliminarily approved
23 by this Court, on the terms and conditions provided for in the Stipulation, is fair,
24 reasonable, and adequate so as to warrant final approval by this Court.

25 2. Whether the Notice satisfied due process and complied with Fed. R.
26 Civ. P. 23(e).

3. Whether the Court should approve the Plan of Allocation as fair,
reasonable, and adequate.

Dated: April 8, 2019

GLANCY PRONGAY & MURRAY LLP

By: *s/Kara M. Wolke*
Robert V. Prongay
Kara M. Wolke
1925 Century Park East, Suite 2100
Los Angeles, California 90067
Telephone: (310) 201-9150
E-mail: rprongay@glancylaw.com
kwolke@glancylaw.com

Liaison Counsel for Class Plaintiffs

POMERANTZ LLP

Jennifer Pafiti (SBN 282790)
468 North Camden Drive
Beverly Hills, CA 90210
Telephone: (818) 532-6449
E-mail: jpafiti@pomlaw.com

Patrick V. Dahlstrom
Joshua B. Silverman
Omar Jafri
Ten South La Salle Street, Suite 3505
Chicago, Illinois 60603
Telephone: (312) 377-1181
E-mail: pdahlstrom@pomlaw.com
jbsilverman@pomlaw.com
ojafri@pomlaw.com

BRAGAR EAGEL & SQUIRE P.C.

David J. Stone (SBN 208961)

Marion C. Passmore (SBN 228474)

Melissa A. Fortunato (SBN 319767)

885 Third Avenue, Suite 3040

333 Third Avenue, Suite 301
New York, New York 10022

Telephone: (212) 308-5858

Email: stone@bespc.com

passmore@hespc.com

passmore@bespc.com
fortunato@bespc.com

*Co-Lead Counsel for Class Plaintiffs
and the Class*

PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND PLAN OF ALLOCATION 3

PROOF OF SERVICE BY ELECTRONIC POSTING

I, the undersigned say:

I am not a party to the above case, and am over eighteen years old. On April 8, 2019, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Central District of California, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this April 8, 2019, at Los Angeles, California.

s/Kara M. Wolke
Kara M. Wolke